

HOUSE BILL No. 1231

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-24-9; IC 32-29-7-10; IC 36-7-9-29.

Synopsis: Tax sales and foreclosure sales; unsafe buildings. Requires the address of a tax sale purchaser to be included on the certificate of sale. Provides that if the address of the purchaser is outside Indiana, the certificate of sale must also include the Indiana street address of an agent of the purchaser. Provides that in the case of a deed executed and delivered under the foreclosure law after June 30, 2007, to a financial institution, if the address of the financial institution is outside Indiana or if the principal business office of the financial institution is outside Indiana, the deed must also include the Indiana street address of an agent of the financial institution. Provides that if an unsafe building order is issued to a person regarding a premises owned by the person and leased to another person, the person must provide to the department administering the unsafe building law the person's name, street address (excluding a post office box address), and phone number.

Effective: July 1, 2007.

Day, Hinkle

January 11, 2007, read first time and referred to Committee on Government and Regulatory Reform.

C
o
p
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1231

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-24-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Immediately after
3 a tax sale purchaser pays the bid, as evidenced by the receipt of the
4 county treasurer, or immediately after the county acquires a lien under
5 section 6 of this chapter, the county auditor shall deliver a certificate
6 of sale to the purchaser or to the county or to the city. The certificate
7 shall be signed by the auditor and registered in the auditor's office. The
8 certificate shall contain:

9 (1) a description of real property that corresponds to the
10 description used on the notice of sale;

11 (2) the name of:

12 (A) the owner of record at the time of the sale of real property
13 with a single owner; or

14 (B) at least one (1) of the owners of real property with multiple
15 owners;

16 (3) the mailing address of the owner of the real property sold as
17 indicated in the records of the county auditor;

2007

IN 1231—LS 6619/DI 73+



C
o
p
y

- (4) the name of the purchaser;
- (5) the date of sale;
- (6) the amount for which the real property was sold;
- (7) the amount of the minimum bid for which the tract or real property was offered at the time of sale as required by section 5 of this chapter;
- (8) the date when the period of redemption specified in IC 6-1.1-25-4 will expire;
- (9) the court cause number under which judgment was obtained;
- ~~and~~
- (10) the street address, if any, or common description of the real property;
- (11) the street address (excluding a post office box address) of the purchaser; and**
- (12) if required by subsection (d), the name and street address (excluding a post office box address) of an Indiana agent of the purchaser.**

(b) When a certificate of sale is issued under this section, the purchaser acquires a lien against the real property for the entire amount paid. The lien of the purchaser is superior to all liens against the real property which exist at the time the certificate is issued.

(c) A certificate of sale is assignable. However, an assignment is not valid unless it is endorsed on the certificate of sale, acknowledged before an officer authorized to take acknowledgments of deeds, and registered in the office of the county auditor. When a certificate of sale is assigned, the assignee acquires the same rights and obligations that the original purchaser acquired.

(d) If the address of the purchaser included on the certificate of sale is outside Indiana, the certificate of sale must also include the Indiana street address (excluding a post office box address) of an agent of the purchaser. The agent must be:

- (1) an individual who resides in Indiana; or**
- (2) a business entity with a business office in Indiana.**

The agent is the purchaser's agent for any service of process, notice, or demand required or permitted by law.

(e) A purchaser may change the purchaser's agent for purposes of subsection (d) by recording with the county recorder of the county that issued the certificate of sale a statement of change that sets forth:

- (1) the name of the purchaser;**
- (2) the purchaser's current street address;**
- (3) the name of the purchaser's current agent;**

C
o
p
y



- (4) the name of the purchaser's new agent; and**
- (5) the Indiana street address (excluding a post office box address) of the purchaser's new agent.**

SECTION 2. IC 32-29-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. **(a)** Immediately after a foreclosure sale under this chapter, the sheriff shall execute and deliver to the purchaser a deed of conveyance for the premises, which must be valid to convey all the right, title, and interest held or claimed by all of the parties to the action and all persons claiming under them. The sheriff shall file a return with the clerk of the court.

(b) This subsection applies to a deed of conveyance executed and delivered under this chapter after June 30, 2007, to a purchaser that is a financial institution (as defined in 28-1-1-3(1)). If the address of the purchaser included on the deed is outside Indiana or if the principal business office of the purchaser is outside Indiana, the deed must also include on its face the Indiana street address (excluding a post office box address) of an agent of the purchaser. The agent must be:

- (1) an individual who resides in Indiana; or**
- (2) a business entity with a business office in Indiana.**

The agent is the purchaser's agent for any service of process, notice, or demand required or permitted by law.

(c) A purchaser may change the purchaser's agent for purposes of subsection (b) by recording with the county recorder of the county in which the property is located a statement of change that sets forth:

- (1) the name of the purchaser;**
- (2) the purchaser's current street address;**
- (3) the name of the purchaser's current agent;**
- (4) the name of the purchaser's new agent; and**
- (5) the Indiana street address (excluding a post office box address) of the purchaser's new agent.**

SECTION 3. IC 36-7-9-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. **(a) This section applies to a person if:**

- (1) an order is issued to the person under this chapter requiring action related to an unsafe premises owned by the person and leased to another person;**
- (2) a hearing on the order was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and**
- (3) either:**

**C
o
p
y**



- 1 (A) the order is not being reviewed under section 8 of this
2 chapter; or
3 (B) after review by the circuit or superior court, the court
4 entered a judgment against the person.
5 (b) A person described in subsection (a) must provide to the
6 department (or, in the case of a consolidated city, the enforcement
7 authority) in writing the person's name, street address (excluding
8 a post office box address), and phone number.

**C
o
p
y**

